

**DELEGATED REPORT**

**Report by** Amanda

**Date of report:** 20/01/2023

**Ref:**69123/FUL

Uhunmwagho

**Registration:** 15/12/2022

**LDfC:** 12/01/2023

**Expiry Date:** 09/02/2023

**Site Visit:** 29/12/2022

**Site Notice:** N/A

**Press Date:** N/A

**Objections:** 0

**Con Area:** N/A

**Adv Type:** NONE

**Reason for Delay:**

**EIA:** NA

N/A

**Dec Level:** DEL

**Stat Class:** HOUS

**Proposal:** Two storey rear extension

**Location:** 8 Tintagel Court, Radcliffe, Manchester, M26 3TY

**Description**

The application dwelling is a previously extended, two storey detached property with a double garage to the front of the site. There is on site parking for several cars and to the rear there is a large garden. There is an existing single storey extension to the rear and a conservatory.

Planning permission was granted at this property in August 2022 for single storey extensions. The current proposal is to replace the existing conservatory with a two storey extension as oppose to the single storey extension which has already been approved.

The two storey extension would project 5m from the original rear elevation and it would measure 4.38m wide. It would have hipped roof. The extension would provide a living area downstairs with a bedroom and en-suite to the first floor. A lift would also be installed for access to the new bedroom from the ground floor.

**Relevant Planning History**

68607 - Single storey rear extension; Single storey rear/side extension - Approve with Conditions 25/08/2022

22/0196 - Change of use of land to residential garden - 10/06/2022

**Publicity**

Neighbours notified on 22/12/2022 - No comments or objections received.

**Statutory/Non-Statutory Consultations**

None

**Pre-start Conditions** - Not relevant

**Unitary Development Plan and Policies**

SPD6      Supplementary Planning Document 6: Alterations & Extensions  
H2/3      Extensions and Alterations

**Issues and Analysis**

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning

considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

**Equality Act 2010:** All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

**Human Rights:** All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

**The Crime and Disorder Act 1998** imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

The main considerations of this application are the impact of the proposal on visual and residential amenity.

**Visual Amenity -**

SPD 6 and UDP Policy H2/3 seek to achieve a high standard of design that compliments the original building, and does not have a detrimental impact on the character and appearance of neighbouring properties and the general street scene.

Given the position of the proposed extension it would not be openly visible in the streetscape to the front at all and the proposed finished materials and design of the extension would be considered to be in keeping with the existing building.

Given the above the proposal conforms to Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties in terms of visual amenity.

**Residential Amenity -**

- The extension would be just over 8m from the rear boundary. This would be acceptable in terms of SPD 6.
- To the south the side elevation would be around 1.2m away from the shared boundary with no.6 next door. This would be the same as the main dwelling. As such there would be no concerns regards encroachment of this boundary.
- There would be one new first floor window installed to the south side elevation, which would be to an en-suite bathroom. As such the window would be obscurely glazed to retain privacy levels between the two dwellings. A condition would be added to the decision stipulating that this particular window must remain obscurely glazed at all times.
- There is a conservatory to the rear of no.6 close to the shared boundary. As the extension would project around 400mm beyond the rear elevation of this structure it is considered that there would be no significant detrimental effect on residential amenity to this extension or the rear garden at no.6.
- The 45° rule would be satisfied in respect of the first floor bedroom window closest to the shared boundary, to the rear elevation of no.6.
- The site is due north of no.6 Tintagel Court. As such the position of the proposed two storey rear extension would not have any significant detrimental effect on the natural path of daylight at the rear/side of no.6 next door.
- There are no residential properties to the north of the site.

With the above in mind the proposal conforms to UDP Policy H2/3 - Extensions and Alterations and the requirements of Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

**Parking -**

The proposal would not increase the number of bedrooms therefore SPD 11 Parking Standards need not be considered. The parking arrangements would remain as existing where there is parking to the driveway to the front and garage.

**Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015**

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

**Recommendation:** Approve with Conditions

**Conditions and Reasons:**

- 1 The development must be begun not later than three years beginning with the date of this permission.  
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered ZT22-196-00, ZT22-196-01, ZT22-196-02, ZT22-196-03, ZT22-196-04 and ZT22-196-05 received on 25/11/2022 and drawing numbered ZT22-196-02.5 received 16/12/2022 and the development shall not be carried out except in accordance with the drawings hereby approved.  
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury UDP Policy H2/3 - Extensions and Alterations and the guidance in Supplementary Planning Document 6 – Alterations and Extensions to Residential Properties.

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- 3 The external finishing materials for the proposal hereby approved shall match those of the existing building.  
Reason. In the interests of visual amenity and to ensure a satisfactory development pursuant to Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.
- 4 Before the first occupation of the extension hereby permitted the first floor ensuite windows on the south side elevation shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.  
Reason. To protect the privacy of adjoining occupiers and to accord with Policy H2/3 - Extensions and Alterations of the Bury Unitary Development Plan and Supplementary Planning Document 6 - Alterations and Extensions to Residential Properties.

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|---------------------|-------------|-------------------------|-------------|
| <u>Case Officer</u> | <u>Date</u> | <u>Sign off Officer</u> | <u>Date</u> |
| AU - 20/01/2023     |             |                         |             |